

CHAMBERS - 10/762,294
Client/Matter: 016955-0307491

REMARKS

Claims 1-5 and 7-16 are currently pending. By this Amendment, claims 2, 3, 5, 9-11 are amended, claim 6 is cancelled and claims 14-16 are withdrawn from consideration. Reconsideration in view of the above-outlined amendments and the following remarks are respectfully requested.

Applicant acknowledges the return of the initialed PTO-1449 for the Information Disclosure Statement filed on January 23, 2004. Applicant, however, notes that the two PCT references (Muir and Chambers) identified on the PTO-1449 were not initialed by the Examiner. Applicant respectfully requests that the Examiner initial these two references acknowledging that the references were considered and return another copy to Applicant.

Claims 6, 9 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

In response, Applicant has amended claims 5, 9 and 11 to clarify the relationship between the components of the guide. Claim 6 is cancelled. Applicant directs the Examiner's attention to Figs. 7-10, which illustrate the relationship between the base plate, the arm and the pressure member. Applicant respectfully submits that the relationship between these components is clear and definite. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. § 102(b) over US Patent No. 3836,123 to Bausenbach et al. ("Bausenbach"). This rejection is respectfully traversed.

Bausenbach discloses a winch follower assembly 10 for a motor-driven winch 12. To prevent slack between coils at a cable 50 and a grooved surface of a sleeve 40, a winch follower 72 is provided. The follower 72 includes an upper jaw 74, a lower jaw 76 and a set of rollers held by the jaws 74 and 76. The upper jaw 74 and the lower jaw 76 are arranged in a clamshell manner so that they may open and close with respect to one another. The jaws 74 and 76 are pivotally connected by shaft 92.

By contrast, claim 1 is directed to a guide for a rope or chain comprising a base plate, an arcuate first arm pivoted to the base plate and an arcuate second arm pivotally connected to the first arm. In a rest position, the arms form an acute angle. A biasing means is provided between the second arm and the base plate.

Bausenbach fails to disclose, teach, or suggest the subject matter of claim 1. Bausenbach does not disclose the claimed base plate. Furthermore, Bausenbach does not disclose a first arm pivotally connected to the base plate and a second arm pivotally

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connected to the first arm. The jaws 74 and 76 are pivotally connected together, but one jaw is not pivotally connected to a base plate. Bausenbach does not disclose the claimed biasing means. Bausenbach provides a spring 106 to bias the jaws together. No biasing means between the base plate and the second arm is disclosed. Accordingly, claim 1 is patentable over Bausenbach.

Claims 2-4 depend from claim 1 and are allowable for at least the same reasons. Furthermore, with regard to claim 3, does not disclose a spring connected to the second arm at a position between the pivot points.

Amended claim 5 is directed to a guide for a rope or chain. The guide includes a base plate, and an arm pivotally mounted on the base plate. A biasing means is positioned between the base plate and the arm. An elongate pressure member is pivotally mounted on the arm.

Bausenbach fails to disclose, teach or suggest the subject matter of amended claim 5. As discussed above, Bausenbach does not disclose the claimed base plate having an arm pivotally mounted to the base. In Bausenbach, the jaws 74 and 76 are pivotally mounted to each other. Bausenbach does not disclose the claimed biasing means between the base plate and the arm. Furthermore, Bausenbach does not disclose an elongate pressure member pivotally mounted to the arm. Bausenbach provides rollers 78. Accordingly, claim 5 is patentable over Bausenbach.

Claims 7-11 depend from claim 5 and are allowable for at least the same reasons. With regard to claims 8 and 9, Bausenbach does not disclose a substantially arcuate pressure member. The rollers of Bausenbach are not elongate or arcuate.

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Applicant respectfully submits that the claims define subject matter, which is patentable over the prior art of record. Should any issues require further resolution, the Examiner is requested to telephone applicant's undersigned attorney to discuss and resolve the issues. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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